

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are pending in the application, with Claims 1-5, 7-10, 12-16, and 18-21 amended by the present amendment.

In the outstanding Office Action, the specification and drawing were objected to; Claims 5-11 and 16-22 were objected as being improper form; Claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vannucci et al. (EP 0 893 930 A2, hereinafter Vannucci); and Claims 2, 4 and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vannucci in view of Anderson et al. (U.S. Patent No. 6,130,910, hereinafter Anderson).

The specification has been amended to correct the informality noted in the Official Action. Claims 3, 5, 7-10, 14, 16, and 18-21 are amended to remove their multiple dependencies. Therefore, Applicants submit the objection to the specification and to Claims 5-11 and 16-22 has been overcome.

In addition, independent Claims 1 and 12 are amended to more clearly describe and distinctly claim Applicants' invention. Support for these amendments is found in Applicants' originally filed specification. No new matter is added.

Applicants acknowledge with appreciation the telephone interview between the Examiner and Examiner's representative on June 30, 2004. During the interview, the Examiner indicated that the present amendment and arguments were persuasive and that the presently amended claims distinguish over the cited references.

Briefly recapitulating, amended Claim 1 is directed to a method of determining the position of a mobile station in a mobile telecommunication network. The network includes a plurality of base stations designed to adopt one of a) a state corresponding to periods of

transmission of signals useful to the mobile station for determining the position; and b) a state corresponding to periods of silence during which no signal is transmitted. The method includes arranging the periods of transmission and the periods of silence in cycles including at least one period of silence. A cycle allocated to a base station is identical to a cycle allocated to any base station adjacent to it, but is offset in time from it. By coordinating the offsets between adjacent base stations, more efficient mobile tracking is possible.<sup>1</sup>

Vannucci discloses transmitting location signals from a plurality of base stations where the location signals must be mutually orthogonal.<sup>2</sup> In one embodiment, each location signal may have offset comb-like spectra.<sup>3</sup> Mutual orthogonality may also be established if the location signals are offset in time.<sup>4</sup> However, contrary to the Official Action Vanucci does not disclose or suggest “a cycle allocated to a base station is identical to a cycle allocated to any base station adjacent to it, but is offset in time from it” as recited in Claims 1 and 12. In fact, there is not discussion of cycles of transmission and silence anywhere within the cited passages of Vanucci. In Vanucci, there is no discussion of adjacency between base stations at all, let alone coordinating the offset times between signals in accordance with an adjacency characteristic between base stations.

Applicants have also considered the Anderson reference and submit that this reference does not cure the deficiencies of Vanucci. As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 1 and 12, Applicants submit the inventions defined by Claims 1 and 12, and all claims depending therefrom, are not anticipated and are not rendered obvious by the asserted prior art for at least the reasons stated above.<sup>5</sup>

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<sup>1</sup> Specification, page 4, lines 4-6.

<sup>2</sup> Vanucci, column 11, lines 36-51.

<sup>3</sup> Vanucci, column 12, lines 27-29.

<sup>4</sup> Vanucci, column 12, lines 34-35.

<sup>5</sup> MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."